



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-203A

Deborah J. Bruce, J.D., Executive Director
State Board of Osteopathic Examiners
4848 Lincoln Boulevard, Ste. 100
Oklahoma City, Oklahoma 73105

December 29, 2015

Dear Executive Director Bruce:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Osteopathic Examiners intends to take pursuant to a consent agreement in Board case 0215-22. The proposed action is to require the respondent licensee, a licensed osteopathic physician, to complete an eight-hour ethics course and pay a fine of \$1,500 within one year; undergo an assessment with Oklahoma Health Professionals Program, a drug and alcohol treatment program, and submit to a five-year contract if that program determines it necessary; and deliver a copy of the discipline to any employer or potential employer while it remains in effect.

The licensee had failed to disclose prior discipline by a licensing board in the licensee's original application for licensure in 2010; failed to timely renew a license and practiced without a license for several weeks in 2013, including by performing surgeries and prescribing controlled dangerous substances; and was arrested for driving under the influence of alcohol in early 2015 after several prior alcohol-related criminal convictions.

The Oklahoma Osteopathic Medicine Act, 59 O.S.2011 & Supp.2015, §§ 620–645, authorizes the Board to discipline licensees who “obtain[] a license . . . through fraud, deception, misrepresentation, or bribery,” 59 O.S.2011, § 637(A)(1). The Act also authorizes the Board to discipline those who are “guilty of habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs,” *id.* § 637(A)(12), and it declares it unlawful to engage in the practice of osteopathic medicine without a license, 59 O.S.Supp.2015, § 622(A)(1).

The action seeks to enforce these requirements. Requiring full disclosure of prior disciplinary actions and prohibiting misrepresentation through the failure to make such disclosures ensures that the Board has full information about risks of future violations that could impact the health and safety of Oklahomans. Similarly, the ability to discipline physicians with alcohol abuse problems prevents compromised osteopathic medical practice that could harm the public. Finally, requiring that the practice of osteopathic medicine occurs only by licensed individuals ensures that the Board may use its expertise and oversight to ensure such services meet a minimum standard of care. The Board may reasonably believe that educational requirements, a

fine, and alcohol abuse treatment will adequately protect the public from compromised medical care and deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Osteopathic Examiners has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect the public welfare and adequately regulate the practice of osteopathic medicine.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA